

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF TENNESSEE  
WESTERN DIVISION

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ROW VAUGHN WELLS, INDIVIDUALLY )  
AND AS ADMINISTRATRIX OF THE )  
ESTATE OF TYRE DEANDRE NICHOLS, )  
DECEASED, )

Plaintiffs, )

v. )

CASE NO. 2:23-CV-02224  
JURY DEMAND

THE CITY OF MEMPHIS, A )  
MUNICIPALITY; CHIEF CERELYN DAVIS, )  
IN HER OFFICIAL CAPACITY; EMMITT )  
MARTIN III, IN HIS INDIVIDUAL )  
CAPACITY; DEMETRIUS HALEY, IN HIS )  
INDIVIDUAL CAPACITY; JUSTIN SMITH, )  
IN HIS INDIVIDUAL CAPACITY; )  
DESMOND MILL, JR. IN HIS INDIVIDUAL )  
CAPACITY; TADARRIUS BEAN, IN HIS )  
INDIVIDUAL CAPACITY; PRESTON )  
HEMPHILL, IN HIS INDIVIDUAL )  
CAPACITY; ROBERT LONG, IN HIS )  
INDIVIDUAL CAPACITY; JAMICHAEL )  
SANDRIDGE, IN HIS INDIVIDUAL )  
CAPACITY; MICHELLE WHITAKER, IN )  
HER INDIVIDUAL CAPACITY; DEWAYNE )  
SMITH, IN HIS INDIVIDUAL CAPACITY )  
AND AS AGENT OF THE CITY OF )  
MEMPHIS, )

Defendants. )

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**THE CITY OF MEMPHIS’ MOTION FOR AN EXTENSION OF TIME TO RESPOND  
TO PLAINTIFF’S FIRST SET OF INTERROGATORIES AND REQUESTS FOR  
PRODUCTION OF DOCUMENTS**

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Pursuant to Rule 6(b) of the Federal Rules of Civil Procedure, Defendant City of Memphis (“the City”) respectfully moves the Court for an extension of time to respond to Plaintiff’s First

Set of Interrogatories and Requests for Production of Documents (“Discovery Requests”). As good cause for this Motion, the City states as follows:

1. On July 7, 2023, the City filed its Motion to Dismiss Plaintiff’s Complaint. The City’s Motion is still pending.

2. On October 3, 2023, Plaintiff issued the Discovery Requests to the City. The City’s responses to the Discovery Requests are due on November 2, 2023.

3. Plaintiff’s Discovery Requests require the City to review a voluminous amount of communications, documents, and records to determine if they are responsive and privileged. For example, the Requests for Production of Documents requests, among other things, “all Communications, Documents, and Electronic Evidence in your possession and/or control that was provided to any member of the SCORPION Unit during their time with the Memphis Police relating to training in the field of policing.” (Plaintiff’s Requests for Production, No. 12.) This will require an investigation into the training files and communications with at least thirty member of Memphis Police Department whose careers could in some instances span decades. Accordingly, the City needs additional time to compile and review all potentially relevant documents and communications to prepare appropriate responses to Plaintiff’s Discovery Requests.<sup>1</sup>

4. Moreover, due to the pending criminal indictments of five of the codefendants, the City must carefully review all documents for Garrity or Garrity-derived information.

5. Additionally, the City is simultaneously responding to discovery requests from the Department of Justice, which has necessarily diverted resources away from responding to Plaintiff’s discovery requests.

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<sup>1</sup> The City reserves the right to object to this request, and any other request, on the grounds overbroad, unduly burdensome, and unlikely to lead to the discovery of admissible evidence.

6. On November 1, 2023, the undersigned counsel contacted Bryan Hensley, one of the attorneys for Plaintiff, about a modest extension to the deadline to respond to Plaintiff's discovery requests. In response, Mr. Hensley would only agree to a 4-day extension to respond to written discovery, with a rolling production for documents deadline ending on November 15, 2023.

7. Under the circumstances and considering Plaintiff's unwillingness to cooperate with the City on its request for a modest extension, the City respectfully requests the Court grant a 60-day extension, to and including January 2, 2024, in which to respond to Plaintiff's Discovery Requests. This request is not made for the purpose of delay. No prior extensions have been requested.

8. Under Fed. R. Civ. P. 6(b), the Court may extend a deadline for "good cause." Based on the foregoing reasons, the City presents good cause for a 60-day extension of time to formally respond to Plaintiff's Discovery Requests and respectfully request that the Court grant this Motion.

**WHEREFORE**, the City respectfully requests that the Court enter an Order providing an additional 60- day extension of time, to and including January 2, 2024, in which to respond to Plaintiff's First Set of Interrogatories and Requests for Production of Documents.

Dated: November 1, 2023.

Respectfully submitted,

**BAKER, DONELSON, BEARMAN,  
CALDWELL & BERKOWITZ, P.C.**

*s/ Bruce McMullen*

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*Attorneys for Defendant City of Memphis,  
Chief Cerelyn Davis in her Official Capacity*

### **CERTIFICATE OF CONSULTATION**

I, Bruce McMullen, hereby certify that counsel for City Defendants, Jennie Silk, contacted Plaintiff's counsel, Bryce Hensley, via email on November 1, 2023, regarding the relief sought in this Motion. Mr. Hensley responded that Plaintiff opposes the relief requested in this Motion.

*s/ Bruce McMullen*  
Bruce McMullen

### **CERTIFICATE OF SERVICE**

I, Bruce McMullen, hereby certify that on November 1, 2023, I electronically filed the foregoing with the clerk of the court by using the CM/ECF system, and that upon filing, such system will serve a copy of the foregoing upon all counsel of record in this action.

*s/ Bruce McMullen*  
Bruce McMullen